



# CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 7/22/08

**SUBJECT: CODE OF ORDINANCES Amendments / Chapter 42 – Nuisances, Residential Lighting**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**RECOMMENDED MOTION:**

To adopt Ordinance No. 2008-21, amending Code of Ordinances Chapter 42 (Nuisances), as recommended by the Planning Commission.

**SUMMARY:**

**Planning Commission Action: March 27, 2008**

Recommended approval, 5-0 (Commissioners Barker and Parker excused), to approve the proposed amendments to Chapter 42 regarding nuisances. If the amendments are adopted, language will be added to the Code of Ordinances addressing residential lighting including definitions, regulations and enforcement.

**City Council Action:**

This item was originally brought in front of the City Council and approved at 1<sup>st</sup> reading on April 15<sup>th</sup>, 2008. On May 6<sup>th</sup>, 2008, the item was tabled and referred back to Staff. After Staff's revisions, which included further definition of glare and light trespass, measurement standards for glare and light trespass, general policies, and enforcement, the amendments were then discussed at the June 24<sup>th</sup> meeting. Staff has since purchased a light meter, which will be used to enforce the recommended ordinance.

The text changes as revised and accepted by Council have now been drafted in ordinance format, and Staff recommends approval of the Ordinance as written.

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution  
 Other  Support Documents/Contracts Available for Review in Manager's Office

**DEPARTMENT HEAD**

Wayne Clark  
Community Development Director

Date

7/14/08

**CITY ATTORNEY**

Approved as to Form and Legality

Date

7.12.08

**FINANCE**

N/A

**CITY MANAGER**

Approved Agenda Item For:

Date

7/22/08

**COUNCIL ACTION:**  
 Tabled Indefinitely

Approved as Recommended  
 Continued to Date Certain

Disapproved  
 Approved with Modification

Second Reading 8/19/08



## **STAFF REPORT - REVISED**

**Amendment to the Code of Ordinances / Residential Lighting Standards**

**Chapter 42 - Nuisances**

City of Port Orange, Applicant

July 14, 2008

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### **INTRODUCTION:**

The City of Port Orange, applicant, proposes to amend the Code of Ordinances, Chapter 42, Nuisances; Article IV, to include standards for residential lighting. If approved, the amendment would establish sections relating to lighting within residential neighborhoods.

### **BACKGROUND:**

Recently there has been an interest in developing lighting standards for individual homes within residential neighborhoods. The City's regulations currently cover only new commercial and industrial development or redevelopment. Staff was directed to research other cities' standards across Florida and the U.S. Staff found a number of examples that set forth residential lighting standards as a nuisance ordinance. A local lighting expert who is familiar with similar ordinances in Central Florida assisted staff in this effort. Staff is proposing to add lighting regulations to Article IV of Chapter 42 of the City's Code of Ordinances, which regulates noise nuisances. These amendments have been reviewed and discussed by the Planning Commission and City Council on several occasions, most recently at the June 24<sup>th</sup> City Council meeting. At that meeting Staff presented text amendments to the ordinance to include measurable enforcement standards, which the Council found acceptable. The amendments have now been drafted into ordinance format for Council approval.

### **DISCUSSION:**

The proposed amendments to Chapter 42 are to address exterior light from one property spilling over onto a neighboring property. In some cases, this excess light is unwanted from the neighboring property owner. However, there are no regulations currently in place to address this sort of nuisance. The proposed amendments will create an enforcement mechanism for the City to handle and resolve such complaints involving exterior lights that produce excess glare. The revised amendments include further definition of glare and light trespass, measurement standards for glare and light trespass, general policies, and enforcement. The standard is being set at 0.5 footcandles, which is the industry standard. Staff has also since purchased a light meter, which has been recommended for its accuracy and ease of use.

### **RECOMMENDATION:**

Staff recommends **approval** of the amendments as proposed.

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Prepared by: Gwen Perney, Planner  
City of Port Orange Department of Community Development

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PLANNING COMMISSION DATE:  
CITY COUNCIL DATE:

March 27, 2008  
July 22, 2008

ORDINANCE NO. 2008-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 42, ARTICLE IV, SECTIONS 42-76, 42-77, 42-78, 42-79, 42-80, 42-81, 42-82, 42-83 AND 42-84 OF THE CODE OF ORDINANCES, CITY OF PORT ORANGE, FLORIDA, RELATING TO NOISE AND LIGHT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, for purposes of this Ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. Section 42-76, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

ARTICLE IV. NOISE & LIGHT REGULATIONS\*

**Sec. 42-76. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ambient noise* means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

*Decibel (dB)* means a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

*Direct light* means light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

*Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an existing or imminent peril.

Fixture means the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or spotlight means any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output onto a directed beam in a particular direction.

Footcandle (fc) means a unit of illuminance. 1 fc is equal to one lumen per square foot. 0.1 fc is roughly equivalent to a 150 watt reflectorized incandescent floodlight at a distance of 100 feet.

Full cut-off means less than 0.5 fc from a luminaire illuminating an adjacent property when measured on a vertical and horizontal plane at the property line.

Glare means any light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases causing momentary reduction in sight.

Illuminance means a measurement of direct light on an illuminated surface. Horizontal illuminance is the illuminance on a horizontal surface, and vertical illuminance is the illuminance on a vertical surface. Illuminance is expressed in footcandles.

Lamp means the component of a luminaire that produces the actual light.

Light Trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located and/or intended to shine in an amount greater than full cut-off.

Lumen means a measurement of light output. One lumen is equal to the amount of light emitted by one candle that falls on one square foot of surface located one foot away from the candle.

Luminaire means a complete lighting system, and includes a lamp or lamps and a fixture.

Microbar means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

RMS sound pressure means the square root of the time averaged square of the sound pressure, denoted  $P_{rms}$ .

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1983). If the frequency weighting employed is not indicated, the A-weighting shall apply.

*Sound level meter* means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner.

*Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as provided by sound energy.

*Sound pressure level* means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure level to the reference of 20 micronewtons per square meter.

Section 2. Section 42-77, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

**Sec. 42-77. Policy.**

It shall be unlawful for persons to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others within the city limits, as prohibited.

It shall also be unlawful for persons to make, continue or cause to be made or continued any direct light, glare, and/or light trespass, as defined in this section, that encroaches on the property of another within the city limits, as prohibited.

Section 3. Section 42-78, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

**Sec. 42-78. General standards.**

The standards which shall be considered in determining whether a violation of section 42-77 or 42-80 exists shall include, but shall not be limited to, the following:

- (1) The volume of the noise.
- (2) The intensity of the noise or light.
- (3) Whether the nature of the noise or light is usual or unusual.
- (4) The volume and intensity of the background noise, if any.
- (5) The proximity of the noise to residential sleeping facilities.
- (6) The nature and zoning of the area within which the noise or light emanates.

- (7) The time of the day or night the noise or light occurs.
- (8) The duration of the noise or light.
- (9) Whether the noise or light is produced by a commercial or noncommercial activity.

Section 4. Section 42-79, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

**Sec. 42-79. Measurement standards classification by use occupancy.**

(a) For purposes of defining the "use occupancy" all premises containing habitually occupied sleeping quarters shall be considered in residential use. All premises containing transient commercial sleeping quarters shall be considered tourist use. All premises containing business where sales, professional or other commercial use is legally permitted shall be considered commercial use. All premises where manufacturing is legally permitted shall be considered manufacturing use. In cases of multiple use, the more restrictive use category shall prevail. Hospital, nursing home, school, library, and church uses shall be considered noise sensitive zones.

- (b) The following standards shall be used in the measurement of noise:
  - (1) The measurement of sound or noise shall be made with a decibel or a sound level meter operating on the A-weighting scale of any standard design and quality meeting the standards prescribed by the American National Standards Institute for a Type 1 sound level meter. The instruments shall be maintained in calibration and good working order. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone used during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.
  - (2) The slow meter response of the sound level meter shall be used in order to best determine that the average sound has not exceeded the standards set forth in table I of section 42-80.
  - (3) The measurement shall be made at the property line on which such noise is generated, or perceived, as appropriate, five feet above ground.

(4) In the case of an elevated or directional sound or noise source, compliance with the noise limits is to be maintained at any elevation at the boundary.

(c) The following standards shall be used in the measurement of light:

(1) The measurement of light shall be made with a standard light meter or photometer.

(2) To measure vertical illuminance, the measurement shall be made at the property line with the light meter sensor directed toward the light source, held five feet above the ground, and a reading noted in footcandles.

(3) To measure horizontal illuminance, the measurement shall be made at the property line with the light meter laid on the ground, sensor up, and a reading noted in footcandles.

Section 5. Section 42-80, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

**Sec. 42-80. General restrictions.**

(a) No person shall operate or cause to be operated any source of sound from any occupancy in such a manner as to create a sound level which exceeds the limits set forth for the use occupancy in table I of this section, when measured at or beyond the property boundary of the land use from which the sound emanates.

(b) Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected.

TABLE I

<i>Use occupancy category</i>	<i>Time</i>	<i>Sound level limit dBA</i>
Residential	7:00 a.m.--10:00 p.m.	60
	10:00 p.m.-- 7:00 a.m.	50
Commercial or business	7:00 a.m.--10:00 p.m.	65
	10:00 p.m.-- 7:00 a.m.	55
Manufacturing, industrial or agriculture	All times	75
Noise sensitive zone	All times	55

(c) If the noise is not smooth and continuous, one or more of the corrections in table II below shall be added to or subtracted from each of the decibel levels given in table I of this section:

TABLE II

*Type of Operation in Character of Noise*

*(correction in decibels)*

Noise source operated less than 20 percent of any one-hour period--plus 5\*

Noise source operated less than five percent of any one-hour period--plus 10\*

Noise source operated less than one percent of any one-hour period--plus 15\*

Noise of impulsive character (hammering, etc.)--minus 5.

Noise of periodic character (hum, screech, etc.)--minus 5.

\* Only one of these corrections shall be applied to any one noise source.

(d) No person shall operate or be permitted to operate a vehicle at any time or under any condition of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limit for the category of motor vehicle and applicable speed limit of a distance of 50 feet from the center of the lane of travel:

(1) For motorcycles other than motor-driven cycles:

Sound level limit, 35 mph or less--78 dBA

Sound level limit, over 35 mph--82 dBA

(2) For any motor vehicle of 10,000 pounds or more:

Sound level limit, 35 mph or less--86 dBA

Sound level limit, over 35 mph--90 dBA

(3) For motor-driven cycles and any other motor vehicle not included in subsections (1) or (2):

Sound level limit, 35 mph or less--72 dBA

Sound level limit, over 35 mph--79 dBA



(e) No person shall operate or cause to be operated any source of light from any occupancy in such a manner as to violate the light levels as follows:

- (1) Any luminaire with a lamp or lamps rated at a total of more than 1 800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light, illuminance, or glare above the horizontal plane located at the lowest part of the luminaire; and
- (2) To control light trespass onto adjacent properties, the measurement for light trespass shall be made at the property line from which such light is generated. The maximum vertical and/or horizontal illumination from a luminaire, shall be not greater than 0.5 footcandles.

Section 6. Section 42-81, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

**Sec. 42-81. Specific noises and lights prohibited.**

In addition to the maximum permissible sound or light levels set out in this article table 1 of section 42-80, and unless otherwise exempted by this article or by act of the city, the following specific acts, or the causing or permitting thereof, are hereby declared to be in violation of this article:

(1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile or other vehicle, except as a danger warning; the soundings of any signaling device for any unnecessary or unreasonable period of time; and the unreasonable use of any signaling device.

(2) *Loudspeakers, public address systems.* Using or operating for any purpose any loudspeaker, public address system or similar device such that the sound therefrom creates a noise disturbance within a noise sensitive zone.

(3) *Animals.* Owning, possessing or harboring any animal which frequently or for continued duration of 15 minutes or longer howls, barks, meows, squawks or makes other sounds which create noise disturbance across a residential real property boundary or within a noise sensitive zone. However, this subsection is not intended to apply to animal sounds which are normal and customary as to intensity, volume and duration and which emanate from ranching, farming or similar activities in areas properly zoned therefor; neither is this subsection intended to apply to animal sounds which are normal and customary as to intensity, volume and duration, and which emanate from an animal shelter, kennel, zoo or similar activity in areas properly zoned therefor.

(4) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper town authorities.

(5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(7) *Loading, unloading, opening boxes.* Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.

(8) *Construction.* Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday, or between 6:00 p.m. and 10:00 a.m. on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day in such a manner as to cause a noise disturbance across a residential property boundary or within a noise sensitive zone, except for emergency work by public service utilities or by special permit approved by the city.

(9) *Noise sensitive zones:*

- a. Creating or causing any excessive and unnecessary noise within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, courthouse, church or other designated area; provided, that conspicuous signs are displayed indicating the presence of the noise sensitive zone. Noise sensitive zones are those zones created by resolution of the city council upon a finding that the subject area contains a land use which is sensitive to or subject to adverse reactions from noise.
- b. Creating or causing any sound within any noise sensitive zone so as to exceed the decibel levels set forth for such zone when measured at a distance of 25 feet from the sound source; provided, that conspicuous signs are displayed indicating the presence of the noise sensitive zone.

(10) *Motor boats.* Operating or permitting the operation of any boat in any lake, river, stream, canal, bay or other waterway in such a manner as to cause unnecessary

and excessive noise within a residential area or noise sensitive zone, or to exceed 85 dBA when measured at least 50 feet from the craft (single incident in any mode of operation).

(11) *Multifamily dwellings.* Operating or permitting the operation within a multifamily dwelling of any source of sound in a manner so as to exceed 55 dBA from 7:00 a.m. to 10:00 p.m. when measured within an adjacent intrabuilding dwelling. The maximum permissible sound level, when measured in an adjacent intrabuilding area between 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day shall be 50 dBA.

(12) *Recreational motorized vehicles operating off public right-of-way.* No person shall operate or cause to be operated any recreational motorized vehicle, motorcycle, "moped," dune buggy, or any other type of motorized vehicle that exceeds the limits set forth in table I of section 42-80 off the public right-of-way in any residential or noise sensitive zone.

(13) *Train whistles.* Every railroad train of a railroad company operating wholly within the state is hereby unconditionally prohibited from emitting an audible warning signal and/or sounding a railroad horn or whistle between the hours of 10:00 p.m. and 6:00 a.m. the next day in advance of any public at-grade crossing having train-activated automatic traffic devices, which include flashing lights, bells and crossing gates, and where the city has erected signs at such crossings announcing that railroad train horns and whistles shall not be sounded during the aforesaid hours.

(14) *Lights that do not provide a full cutoff at the property line.* The direct light, illuminance, or glare from any luminaire that encroaches on the property of another. Luminaires that provide a full cut-off are those that do not emit any direct light, illuminance, or glare above a horizontal plane located at the lowest part of the luminaire, and that provide a vertical illumination at the property line of no more than 0.5 footcandles. Lights that violate this provision must be either removed, or the nuisance abated sufficiently by: reducing the intensity/brightness of the lighting; reducing the number of lighting fixtures; shielding; or re-directing the light to emit no more than 0.5 footcandles at the property line.

Section 7. Section 42-76, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

**Sec. 42-82. Exempted noises and lights.**

The following uses and activities shall be exempt from noise level regulations except as listed in table I of section 42-80:

- (1) Lawn mowers and agricultural equipment during daylight hours (7:00 a.m. to 8:00 p.m.) when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and proper operating condition.
- (2) Nonamplified crowd noises resulting from activities such as those planned by student governmental or community groups, when held in an appropriate zoning district.
- (3) Noises of safety signals, warnings devices, emergency relief valves and bells and chimes of churches.
- (4) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (5) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government, providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition. Such construction shall not begin prior to 7:00 a.m. and shall cease by 7:00 p.m. on Monday through Saturday and shall not begin prior to 10:00 a.m. and shall cease by 6:00 p.m. on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day unless a special permit has been granted by the city.
- (6) All noises coming from the normal operations of aircraft (not including scale model aircraft).
- (7) All noises coming from the normal operation of railroad trains.
- (8) Those motor vehicles controlled by F.S. § 316.293, but not those motor vehicles exempt from coverage.
- (9) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the city in accordance with section 42-83. Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in section 42-83.
- (10) All noises coming from the normal operation of railroad trains except as prohibited in section 42-81(13).
- (11) Holiday lights, displayed at times when such lights are generally considered appropriate, provided they do not produce excessive glare.

- (12) Vehicular lights and all temporary emergency lights needed by the Police Department, Fire Department, and other emergency services.
- (13) All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
- (14) All lighting required by municipal, county, state, or federal regulatory agencies.

Section 8. Section 42-83, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

**Sec. 42-83. Special permits.**

Applications for a permit for relief from the maximum allowable noise level limits designated in this article may be made in writing to the city manager or his duly authorized representative. Any permit granted by the city manager hereunder must be in writing and shall contain all conditions upon which the permit shall be effective. The city manager, or his duly authorized representative, may grant the relief as applied for under the following conditions:

- (1) The city manager may prescribe any reasonable conditions or requirements as deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
- (2) Permits for entertainment. Permits may be granted for the purpose of entertainment under the following conditions:
  - a. The function must be open to the public (admission may be charged).
  - b. The function must take place on public property.
  - c. The permit will be given for only eight hours in one 24-hour day.
  - d. The function must be staged between the hours of 9:00 a.m. to 12:00 midnight.
- (3) Other. Special permits for nonentertainment special purposes may be issued under the following conditions:
  - a. If the special purpose relates to the operation of a trade or business that the special purpose not be in the ordinary course of that trade or business.

- b. If the special purpose does not relate to the operation of a trade or business that the special purpose not be an ordinary event in the affairs of the applicant.
- c. If the special purpose be a recurring purpose that it not recur more often than four times each calendar year.
- d. That the special purpose be absolutely necessary to the operation of the applicant's trade or business.
- e. If the special purpose does not relate to the operation of the trade or business that the special purpose be compatible with the ordinary activities of the neighborhood in which the special purpose is to occur.
- f. Except in emergency situations, as determined by the city manager, the special permit may be issued for a period of only eight hours between 7:00 a.m. and 12:00 midnight.
- g. Special permits may be issued for no longer than 15 consecutive days, renewable by further application to the city manager.

Section 9. Section 42-84, Chapter 42, Article IV of the Code of Ordinances, City of Port Orange, Florida is hereby amended to read as follows:

**Sec. 42-84. Enforcement.**

(a) The code enforcement officer and police department shall have enforcement responsibility for this article.

(b) In the case of continuous or recurring violations, the code enforcement officer shall refer the violation to the code enforcement board pursuant to section 2-206 et seq.

(c) In the case of motor vehicle and isolated violations, the police shall issue a notice to appear pursuant to administrative procedures established for the county courts.

Section 10. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 11. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 12. This ordinance shall become effective immediately upon final passage by the City Council.

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MAYOR ALLEN GREEN

ATTEST:

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Kenneth W. Parker, City Manager

Passed on first reading on the      day of

Passed and adopted on second and final reading on the      day of

Reviewed and Approved:

  
City Attorney

C:\Legal\ORD\code amend Light Ord sec 42.doc